Supreme Court, U.S.
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No._____

In The

Supreme Court of the United States

October Term, 1998

VERNON L. WILLIAMS,
Petitioners,

LINDA L. WILLIAMS,

v.

KLAMATH COUNTY,
Respondant.

Petition For Writ Of Certiorari To The Oregon Supreme Court

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39 pp

QUESTIONS PRESENTED FOR REVIEW

This case squarely presents the same issues as in the Supreme Court's opinion in "The Citizens' Savings & Loan Asso. versus City of Topeka. 87,U.S. S.686,22L.Ed 455(1875)

In this case Klamath County exceeded their authority and power by abusing the petitioners guaranteed rights of the U.S. Constitutions as listed in Index VII. Klamath County created a new tax lot of 30 feet by 505 feet. The 1975 survey shows no such lot. A false record, deliberately given to the State of Oregon, created lots of unknown origin and owners. No one was notified of this change as required by Oregon Law. The injury is "fairly traceable". The petitioners challenged this injury through their constitutional rights in the Fifth, Fourteenth, and other Amendments. The petitioners PRO SE rights of the Ninth Amendment and other Amendments of the Constitution of the United States were violated when not allowed to go into court due to a filed "motion 21" by Klamath County.

The Below Court, the Appeal Court, and the Supreme Court of Oregon have not addressed these issues that are in the Petitioners Claim, which also violates their constitutional rights and leads to the following questions:

1. Did the Supreme Court of Oregon err in not requiring scrutiny of the County in the "Taking Process"; especially since the Petitioners found errors involving the whole county and their property; which prompted them to file a claim involving violations of their constitutional rights and civil rights?

2. Did the Supreme Court of Oregon error in not allowing petitioners "Due Process", when the County admitted they had erred. This violates petitioners Guaranteed U.S. Constitutional Rights of the Fifth, the Fourteenth, and the Ninth Amendments?

3. Did the Supreme Court of Oregon error in allowing a "dismissal" by the Circuit Court and "no opinion" by the Appeals Court to stand; when a precedence of the law on the taking of property is being set into law?

4. Did the Supreme Court of Oregon have authority to ignore the Constitution of the United States and also not make the Below Court System uphold The Constitution of the United States as well as The Oregon Constitution?

PARTIES TO THE PROCEEDING

The caption contains the names of all Petitioners. The Respondents not named are: The Agents of Klamath County, and Earl Kessler, County Engineer At the time this claim started in Court. And all known and unknown persons, et. al.

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IN THE
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October Term, 1998

VERNON L. WILLIAMS,
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LINDA L. WILLIAMS,

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COUNTY OF KLAMATH, et., al.,
Respondent.

Petition for Writ of Certiorari
To The Oregon Supreme Court

PETITION FOR WRIT OF CERTIORARI

DECISIONS BELOW

The decision of the Oregon Supreme Court filed August 4, 1998, and not reviewed, but allowed to be submitted, and is reproduced at Appendix (App) A. The Appellate Judgement of the Oregon Supreme Court (SC No. S44576,) is reproduced as Appendix B;. The decision of the Oregon Court of Appeals is reported at CA A90549, filed July 30, 1997, and reported as Appendix C. The Below Court decision filed November 21, 1995, is reported at Appendix D. The Tax Court filed April 22, 1991, Document #7336-205 page 408, Tape M-91, Lot #200, is reported at Appendix E.

JURISDICTION

The decision of The Oregon Supreme Court, review of which is sought on petition, was entered on August 4, 1998. and Appellants Judgement was enter on this Court has jurisdiction over this matter pursuant to 28 U.S. C. Sec. 1257 (a) and Supremacy Clause, Art. III, Art. IV.

CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE

The federal constitutional provisions at Issue in this matter are the Fifth and Fourteenth Amendments to the UNITED STATES CONSTITUTION .The Fifth Amendment provides in part: "(N)or shall private property be taken for public use without just compensation." The Fourteenth Amendment provides in part: "(N)or shall any state deprive any person of life, liberty, or property, without due process of law." The Seventh Amendment provides in part: "in Suites at common law, where the value in controversy shall exceed twenty dollars, the right of trial by Jury shall be preserved." The Ninth Amendment provides "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people".- to wit- Enumerated rights #6 being at peace, joy, contentment in all my possessions, #7 free of harassment, #25 be able to correct errors, etc. #28 proper and adequate notification, #32 protection of Federal Homestead Patent #340, etc. The Tenth Amendment provides in part: "The powers reserved to the people". The Fourth Amendment in part: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, * * *."The Tenth Amendment right in part: "Power to the people" Seventh Amendment rights in part: "Right of Trial by Jury."

The Statues at issue are Oregon Constitution, Article #1, Sect #1, #10 #18, #33 and Oregon Revised Statutes (ORS 312.120 thru ORS 312.260).

The relevant portions of these ordinances are set out in the Brief sent to the Court of Appeals and listed as Exhibit A., thru K. Dated April 22, 1997. Appellants Brief of Vernon L. Williams alone, Exhibits, respectively.

Page references are to the versions in the Appendix.

STATEMENT OF THE CASE

A. Procedural History

This action was originally filed with the Circuit Court of the State of Oregon. The Below Court dismissed the claim. This court violated the Williams Federal Constitutional guaranteed right of "Trial by Jury" which was requested and DEMANDED by the Petitioners.

The Petitioners also demanded that the Judge remove himself for "prejudice and Bias". This was ignored by the below court in the following manner-- The below court placed a false motion before the court of "Pecuniary Interest" at a hearing that was suppose to be for Bias and Prejudice. The hearing addressed the issue of Pecuniary interest ONLY, even though the Petitioners protested that this was wrong. The hearing was dismissed. The bias and prejudice was never addressed by the court. The judge never stepped down and the Petitioners motion was never heard.

Several "Defaults" were put into court against the Respondents, all were ignored or dismissed. During one default, The Petitioner Linda Williams was forced to sit on a marble staircase while waiting for the opposing attorney for 45 Minutes. There were chairs empty and available. The Petitioner's diabetes was acting up and she was sick. The below court knew she was diabetic as papers were

filed with the court on her special needs as required by Oregon Civil Procedure requirements.

The below court did not address the fact that the Petitioners property went thru Tax Court illegally and that the Petitioners were not notified, as requited by law. Because the Petitioners found out that this was done deliberately it was considered a tort action. Mr. Mike Seber told the Petitioner that Earl Kessler supplied him with the remapping information. The below court tried to change the tort action into another area of law that would let the county off and the petitioners would have lost their land because of the Bias and Prejudice.

The Below Court never addressed the lowering of the Petitioners landmass from 3.86 acres to 3.62 acres. The below court did not address the double taxation that was charged and paid by the Petitioner for four years at the 3.86 acres rate.

The Below Court also ignored the Federal homestead #340, that the Petitioners have on their property; and the effects of taking it thru Tax Court which is against ORS 12.040. The Appeal Court and the Supreme Court, of Oregon, did not address this issue. The date of the tax Court taking is April 22, 1991.

Petitioners appealed to the Appeals Court which reached a "no opinion", which is in direct violation of the Petitioners Constitutional Rights of Due Process and ignored all that had gone on before which has left the Petitioners without redress or property. This violates the Petitioners Constitutional rights of the 5,14, 4, 7, 9, and 10 Amendments rights to the Constitution of the UNITED STATES.

Petitioners then filed an appeal to the Supreme Court of Oregon which was "denied". The Petitioners filed a Writ of Review which was "denied.

The Petitioners constitutional rights were again violated and the court system of Oregon ignored the fact that the Petitioners to date have received no money or redress. Nor have they addressed all the pain and suffering of a diabetic person.

Petitioner Linda Williams was seriously ill with diabetics and pneumonia with lung complications: the Court would wait no longer for her to get well and do the Brief. This also violates her Constitutional rights including her Ninth Amendment rights as well as the Disability Act., Petitioner Linda Williams never gave her "power of Attorney" or rights to anyone.

B. The Case

This is an inverse condemnation action. The property owners, Vernon L. Williams, and Linda L. Williams contends that the decision of the Below Court that being "Dismissal" and the decision of the Appeal Court , that being "no Opinion" and the Decision of the Supreme Court of the State of Oregon of "denying the Writ of Review", violates their Constitutional rights. The Circuit Court for the State of Oregon, dealing with the tax court, allowed the imposing exactions during the remapping process: which is stated on the Documents. The "unknown owner's" went thru tax court. These actions lead to the taking of Petitioner property for public use without payment of just compensation and these acts are a direct violation of the Petitioners Fifth and Fourteenth Amendment rights. Also the Petitioners' Ninth Amendment rights, and the Fourth and the Seventh, and Tenth Amendment rights. Those rights include: The right to be notified and to be able to correct errors. The Agents of Klamath County were in direct violation of Petitioners Ninth Amendment rights as these rights were given to them in a written Declaration of those Petitioners rights.

The County of Klamath put exactions on the Petitioners by requiring the Petitioners to get releases from all legal property owners, The Petitioners got all legal owners to sign the releases, and the forms were filed in the County Court House in Klamath Falls. The Petitioners also filed notarized affidavits of previous land owners which state to the effect that no land was ever left out for any reason. Copies were sent to and given to the County Commissioners that were in office at this time period.

The Agents of Klamath County put another exaction on the Petitioners, that the Petitioners get Enterprise Irrigation District to sign a release. They would not sign a release unless the Petitioners would give them in a legal document of 20 feet by 503 feet of the 30 feet. The Petitioners told Enterprise that this was blackmail and the Petitioners refused to do it; therefore, the County refused to sign the Petitioner property back to them. The County of Klamath, thru its agents, made another exacting. The County told the Petitioners that they could pay the back taxes owing on the taken property. The Petitioners were told that they could have the land back, after the taxes were paid, and the amount of taxes was for $106.11.This was for six years. The Petitioners offered the tax money that same day to the Commissioners who said they could have their land back, and the money was refused. The Petitioners told the County that they were violating their Constitutional rights. The Petitioners filed a paper in the Court House about them not being allowed redress and not being notified by the County as required by Oregon Revised Statutes 312.120, and ORS 312.125, and this paper was also given to the District Attorney Office in Klamath Falls. This office said that Klamath County would not go to court over this, as it was so blatant; but that they might make the Petitioners "Go up the Court House steps". This also violates the Petitioners Constitutional rights as this is a seizure of Petitioners property without compensation which is a direct violation of THE CONSTITUTION OF THE UNITED STATES FOURTH Amendment rights. Also they knew they were breaking the laws in what they had done or the District Attorney' office would not have said what they said.

During this same time period and because the County Commissioner had her signature on the Tax document. The Petitioners went to Jean Elznor and she said the county was aware of the problem of all the "unknown owners" on the tax document but she was told to go ahead and sign the tax paperwork anyway. She was working in the Tax area at the time. No notification was given and all the property numbers on the tax document were drastically changed so you could not recognize your own property number.

During the time period that the Petitioners were trying to straighten our the errors, the Petitioners found out that they had been Double Taxed for four (4) years on their 3.86 acres. This was called to the County's tax office's attention, but was never addressed nor was the money ever given back to the Petitioners. The Petitioners' bank pays the taxes for the Petitioners so no one caught or realized about the doubling of taxes. Also the County Commissioners were made aware of this error and problem.

The Petitioners own 3.86 acres at 7736 Hilyard Avenue, Klamath Falls, Or. And this land is on a Federal Homestead. Patent Number #340 dated 1892, and zoned Agriculture. When the Petitioners bought the land Twenty (20) years ago. The land on the East side is the location of the false and illegal tax lot, which is approximately Thirty (30) feet wide by about 503 feet long. At the time the Petitioners bought the land the records stated that it was 3.86 acres and the tax lot number #5900. After the remapping the numbers were changed to the Petitioners #300 and #200 and the acreage was changed to 3.62 acres. The 30 feet lot has the Petitioners buildings, corrals, fences, trees, plants and a rock wall (these things have been in place for over 50 years). This false lot was not taken thru tax court until April 22nd, 1991. The remapping was finished in the year 1985. The tax court taking is a direct violation of Petitioners right of Due Process, and the fact that the Petitioners were never

notified as ORS laws require "Notification of all interested parties. "ORS 312.125 thru 312.260. There is no legal instrument of any kind for the Thirty feet. The neighbors' tax and legal number before the remapping were #6000 and this number was changed to #100. All items listed have been in place for over 50 years and one fence line was the original homestead fence line going back to 1892.

The Tax Court Document was dated April 22, 1991 on Film number M91. Page 205. Number 408, in the Circuit Court for the State of Oregon. Which is titled. State Remapping on it. Legal Description in part: is #3910-0700-200. The Petitioners never owed any money on this land because the bank always paid the County tax bills for the Williams. The fact of the double taxes for four years at the 3.86 acres should have covered the owned amount of $106.11.

The imposing of extractions were done with illegal acts and fraud behind them. The Williams were never allowed to any redress or the correction of all the errors that were made by the County and many other laws were violated; but this is another violation of the Williams Constitutional rights.

The Williams spent almost two years trying to clear the errors and filed their complaint just before the time period was over. The errors created by fraud and a false paperwork and the County of Klamath is fully aware of this fact. The Petitioners were lead to believe they could get their land back.

Exactions imposed as a condition to receiving one's property back into the Petitioners names can result in a regulatory taking in violation of the Petitioners Fifth and Fourteenth Amendment. rights. Dolan v City of Tigard. Or. 129 L. Ed 2d, 307 (4). 308 (9), 313, 316, #3141 and petition on page 10 (1). Also where "a permanent physical occupation and a taking per se under the rule in

Loretto v. Telepromenter Manhattan CATV Corp. 458 U.S. 419 (1982) and reiterated in Yee v City of Escondido, 503 U.S.---. 112.S. Ct. 1522 (1992) (Where government authorizes a physical occupation of property, or actually takes title, the taking clause generally authorizes compensation). The taking test applied in the Williams case was to show whether the County of Klamath had the authority to process so many lots as "unknown owners" without personally notifying all parties of interest as the law requires. Also did the County use proper scrutiny when so many unknown owner tax lots started to appear before the paperwork was processed thru the Tax Court System. It is also a fact that there has not been any unknown owners in Klamath County for over 100 years as some surveyors in the area have told the Petitioners "This act is "abuse of Power" and not procedural Fairness as required by law. The County of Klamath acknowledged that Petitioners' statements are true in a hearing before Judge Isaacson; therefore the Complaint is to be construed in the light most favorable to the Petitioners with all doubts resolved in his favor and the allegations accepted as true. Page 380 Civil Procedure "West". The case on Extortion Garcia v Hilton Hotels International Inc. U.S. Dist. Ct., 97 F Supp 5 Dist of Puerto Rico (1951). Also does the County of Klamath have the right to extract more taxes when none are "Due, to get one's property back?

The County of Klamath admitted that they erred when they took tax lot #200 thru tax court. That admission was before Judge Simpson of Lakeview, Oregon, at a hearing on June 2, 1997 in Klamath Falls, on another case. The land to date has not been put back into the Petitioners names nor has any money been given for it, which is a direct violation of the Petitioners Fifth and Fourteenth Amendment rights which are guaranteed by The Constitution of the United States, and Petitioners still claim these rights. Also the County Attorney said they were giving the land to Enterprise Irrigation Company at the above hearing.

REASONS FOR GRANTING THE WRIT

Supreme Court Rule 10.(b) lists among the considerations governing review on certiorari the circumstance when a state court of last resort has decided a federal question in another state court of last resort, or of a Federal Court of Appeals. Under Rule 10.1 (c) a ground for review exists when a state court has decided an important question of federal law which has not been, but should be, settled by this court. Or has decided a federal question in a way that conflicts with applicable decisions of the Court. These grounds for review are present in this case.

THIS CASE INVOLVES IMPORTANT CONSTITUTIONAL QUESTIONS THAT SHOULD BE RESOLVED BY THIS COURT. "HOW FAR CAN GOVERNMENTS GO ——IN CHANGING RECORDS AND NOT BE HELD ACCOUNTABLE FOR NON CORRECTION OF ERRORS AND ALLOWING INCORRECT INFORMATION TO BE PLACED INTO THE RECORDS AND WHAT CORRECTION PROCESS SHOULD BE IMPLEMENTED OR WHAT CORRECTION PROCESS IS NECESSARY WHEN PRO SES ARE INVOLVED SO THE PUBLIC CAN BE GUARANTEED THAT THEIR RIGHTS ARE PRESERVED AND JUSTICE WILL BE GUARANTEED BY THE COURT SYSTEM?

The precedent established by the decision below throws the door wide open to a whole array of creative new ways to satisfy any long or short term planned public improvements or even to the point of totally changing the way property can be taken; thereby totally changing the way property can change hands. The worst possible part is a person may be forced to part with land they do not want to sell or give away. How can a person have joy and peace in their property if they have to worry about who will come and take their property and what about the right to be left alone called privacy. Olmstead v U.S., 277 U.S. 438. 478. , 48 S Ct. 564, 572, 72 L. Ed. 944 (1928)". "The right to be left alone" Pete v U.S. 531 F 2d 1018, 1831, 209 Ct Cl. 270 (1976). unlawful taken by government" erred---by not allowing claim to go to court." When the Petitioners Constitutional rights have been violated...I #2 Gwilliim 115 U.S. at 50. 5 S. Ct. at 112. "Valid claim" Cole v. Ralph. 252 U.S. 286, 296. 40 S. C. 321. 326, 64 L. Ed. 567 (1920).

The idea that a person does not even have to be notified as it is in this case is totally repugnant to a civilized man/woman. Guidelines should be made. These guidelines should include a statement, which states that when PRO SES are involved, the Motion 21's should be set aside; as they lead to a host of injustices to those who are not practiced in the law, true pit holes.

They let injustices stand, and they let government get out of claims like this one; even though there is a clear record of a true claim, Loretto v Teleprompter Manhattan CATV Corp., 485 U.S. 419 (1982)." If an injury is "fairly traceable" to a government act being challenged., the court should have granted a trial".

Under Judicial Review "The particular phraseology of The Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution of the United States is Void." Marbury v. Madison, 1 Cranch 137, 2 L. Ed. 60 (1803). The power of constitutional review by the courts is also extended to executive and judicial act, National and State. "The judicial power shall extend to all cases arising under this Constitution, the Laws of the United States, and treaties made, or which shall be made, under their Authority;* * * * "U.S. Constitution , Article III, Section 2.

Exactions imposed as conditions made to clear up mistakes and errors are deliberate acts of blackmail and ends up in a regulatory taking which is in violation of the Fifth Amendment. Nollan v Calif. Coastal Commission, 483 U.S. 825, 97 L. Ed 2d, 681, Id. 483 U.S. at 834 (1987). The taking test applied in Nollan, was whether the permit conditions substantially advanced legitimate state interest. Id., 483 U.S. at 834. Exactions imposed as a condition to the Petitioners to receive a correction of known errors, says loud and clear, that there is no "unknown owners " and the fact that surveyors in the area have told the Petitions that there have been no unknown owners for over a 100 years in Klamath County. The below courts by their actions endorsed blackmail and fraudulent acts. The below court was told this at the very first hearing. These acts do not even follow the procedure of what is proper for a taking; therefore it is bogus and fraudulent. The below court disregarded this and did not let this case into court to allow redress by the Petitioners.

Also the below Court erred because they did not allow Discovery by the Petitioners to all the names who belong in this case. The Supreme Court of Oregon made no reasonable attempt to force the correction of errors and stop the Injustice.

Payment or just compensation should have been made for the Petitioners land; and the lowering of the Petitioners acreage. And placing it into the tax court is a fraudulent act. This is a direct violation of the Petitioners Constitutional rights. The question is, if they knew enough to lower the petitioners land mass; why didn't they know enough to know who the unknown owner was? The Williams should not be deprived of Justice because they may or may not have filled the paperwork out quite right. It is also questionable if the Petitioners actually filled out the paperwork wrong. The Williams should not be deprived of their Constitutional rights over this issue. These rights are guaranteed, which means the below court system can not disregard the Constitutional rights of the Williams. The Petitioners ASKED and DEMANDED a "Trial by Jury" as guaranteed by the Seventh Amendment. If an injury is "fairly traceable" to a government act being challenged the court should have granted a trial".Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982).

THE PETITION SHOULD BE GRANTED BECAUSE THE DECISION BELOW CONFLICTS WITH DECISIONS OF THIS COURT, AND OTHER STATE AND FEDERAL COURTS, REGARDING THE DEGREE OF SCRUTINY IN TAKINGS/EXACTION CASES.

A. The Ruling of the Oregon Supreme court conflicts with Precedent Set by this court in the Citizens' Savings & Loan Association v Topeka" and as well as Dolan v. City of Tigard.

The Oregon Supreme Court has sanctioned a standard, which disregards the necessary cause-and –effect relationship between false records being put into the Remapping process. The false tax lots were never in the records before. Then the taking of these false Tax lots thru Tax Court. Then the tax lots being deeded to the County of Klamath.

Those Parcels of land may or may not have taxes owed on them, so these acts are fraud; because the County knew there was something wrong and agents of Klamath County knew exactly what was wrong and said so to the Petitioners. By putting the tax lots in the County's name , it became an act of stealing.

The County knew enough to lower the Petitioners land mass from 3.86 acres to 3.62 acres. The County could have corrected this error. The Petitioners, were told by the County, that the lowering of their property was because of the false 30 feet. The last known survey of the area was done in 1975. This survey does not show the 30 feet nor is there any other legal document to support the 30 feet. To have so many of these parcels listed as "Unknown owner" should have triggered any reasonable man into action to find out why, because there is no legal instrument to support the 30 feet. The lot sizes are based on theoretical and hypothesized findings, without any direct relationship to what actually is correct and how it effects the buildings, etc. These acts of Agents are no different than in State ex rel. Johnston v. Foster 32 Kan. 14, 3P, 534, 538 Sup Ct. (1884). "He is the officer upon whom the state relies for the prosecution of all criminal offenses within his jurisdiction. If he fails or refuses to act, the law is voiceless and powerless, it is paralyzed."

There is no "essential nexus" as required by law in this case. The decision below sets a dangerous and far-reaching precedent by allowing counties through out the United States to extract property from the people and then collect taxes which is a form of extortion. The Oregon

Supreme Court totally ignored this part of the case. Also the relationships between exactions and essential nexus of Petitioners land does not exist therefore it violates the Petitioners Constitutional rights... "Loretto" decision governing PRO SE takings for permanent physical occupation of Private property".

1.Nollan requires a "Substantially related: Degree of Scrutiny.

By adopting a "Reasonable related" degree of scrutiny. The below court, despite the Williams arguments in hearings, ignored this, ... This Courts, "Nollan" precedent that the "essential nexus" requires a heightened degree of scrutiny —a "substantially related" connection between nexus. The below court, despite the Williams arguments in hearings, ignored this. The nexus approved by the Supreme Court of Oregon is one that utterly fails to establish a substantial relationship between a project of remapping and the adverse public impact which the Tax Court did. This combination caused people to lose their property, and on some properties it caused damages, to existing buildings, fences, etc. This is what happened on the Petitioners property. This was all done without proper notification. Because of the drastic number changes, people could not recognize their own property and many still do not know. The Petitioners were not notified of the fact that their land was going through Tax Court. They were never allowed redress of this fact either. The Petitioners Constitutional rights were violated. "Due Process" is a quaranteed Constitutional right and Procedural fairness is part of that right. Logan v. Zimmerman Brush Co. (1982).

"Decency, security, and liberty alike demands that government officials shall be subjected to the same rules of conduct that are commands to the citizens. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously * * * Crime is contagious. If the government becomes a law breaker, it breeds contempt for law; it invites every man to become a law into himself; it invites anarchy."----(Justice Brandeis. Dissenting. In Olmstead v U.S. , 277 U.S. 438, 485 (1928).)

Scrutiny points: Dollan v. City of Tigard, Or. 129 L. Ed 2d , 307 (4) Brief page 27 , 28. , 308 (9) 313-316 Supremency Clause , Art III & IV Peterson , The taking clause, 77 Calif. L. Rev. 1299 (1989)

CONCLUSION

This case presents squarely the questions of precedent law, if allowed to remain as it is. " Taking by stealth " page 1454 Blacks Dictionary. " Wrongful taker, not privy in Title, takes property (tortiously) and keeps property by use of fraud." The county of Klamath knew they erred and said so in a Hearing before Judge Simpson on June 2, 1997, but they continued to not correct the records No redress to date has been allowed to the Petitioners. No money has been paid to the petitioners, Nor has their property been returned to them. Nor has the Petitioners Federal Homestead been addressed in connection to the taking. ORS 12.040 says that Homestead property should not go through state courts. In Dolan v Tigard in the conclusion *****"reasonable and beneficial uses which meet all standards for approval" have not been met by the County. The County should be forced to put the petitioner's property back in the petitioner's name.

In upholding the County's scheme, the Oregon Supreme Court overlooked the very purpose of THE CONSTITUTION OF THE UNITED STATES, TAKING CLAUSE. WHICH PURPOSE IS TO BAR GOVERNMENT FROM FORCING PEOPLE TO GIVE UP PROPERTY WITHOUT JUST COMPENSATION.

The Oregon Supreme Court licenses the extortionate activities of the local government by not addressing this case, Supreme Court Rule 10.1 (c) (e). And if they do nothing to stop the practice, it fails to them. The Oregon Supreme Court should look into every case in question on "takings" that comes to them to see that all taking requirements have been fulfilled by the below court system, and this court. PRO SES do not have the training to compete at attorneys level but he may find himself/herself in a position where he/she has to defend. He/she does this with limited knowledge, and in many cases limited resources, and ability. When this happens, you no longer have Justice in the Court System if you only worry about the paperwork involved with getting the case into court. The common man is not experienced enough, and he is experiencing the problem all over the United States. Many people feel right now that there is no justice left for them. People have a Constitutional right to believe and expect the government to HONOR their rights. Pollack v. Farmers' Loan & Trust Co.,157 U.S.429, 554, 15 Sup. Ct..673. 39 L. Ed. 759(1895) and Taney C.J. in Gordon v U.S., 117 U.S. 697, Appendix 700., 705 (1864) By extorting land from the people and in particular the Petitioners, this protection has been taken away and to the maximum in this case. Property owners should not be in fear or jeopardy by public officials in the UNITED STATES. When a diabetic, such as The Petitioner Linda Williams, Is involved you also enter another set of laws and we hold this for any future issues with this case. She has suffered great pain as she has had sores all over her body, and illness where she required oxygen. A diabetic does not do well under pressure so they try to avoid it if at all possible. Who pays for all this suffering and can you ever really make up for it. This suffering was further heightened by a threat received in court. That threat came by the County" Attorney and was "" hope your family can handle it"" this was on June 2, 1997 and two days later their nephew was killed by the County Police over a matter that was a lie. The County had been trying to get the Petitioners to back out of their claim, that was in the Appeal Court.

The Petitioners have been repeatedly harassed by the County to the point that they wrote the County Commissioners that if it keep up they would sue and the Petitioners also gave the Commissioners a Title 42, 1983.

In a small community it does not pay to have just one mans opinion. The Petitioners have personally seen how a grand jury was set up so that Justice was not served. When a group of people can manipulate the justice system to the point of untruth, it will not benefit our society. One man's opinion does not make justice.

The Petitioners Asked for and Demanded a trial by jury because they knew of the Bias and Prejudice that exists in this county. Linda Williams was born here and her family goes back to the early pioneers, so she asked this court to do something that will stop public officials from violating the rights of the people. Public Officials should not take advantage of the Public by trying to steal, blackmail, or kill, to get what they want. The decision of the Below Court and the Court of Appeals as well as the Supreme Court of Oregon completely ignored the violations the County has done to the Petitioners and therefore the Petitioners constitutional rights have been violated in particular the Fifth and the Fourteenth Amendment. And the Petitioners ask this court not to forget the Petitioners Ninth Amendment rights. Stealing under any pretext is wrong and against the laws of God & Society.

Petitioners respectfully urge this court to address these issues and Grant the Petition for Writ of Certorari.

Dated October 30, 1998.

Respectfully Submitted,

Vernon L. Williams – PRO SE

Vernon L. Williams

Linda L. Williams – PRO SE

Linda L. Williams

7736 Hilyard Avenue
Klamath Falls, Or 97603
Telephone (unlisted)

APPENDIX

APPENDIX A

IN THE SUPREME COURT OF THE STATE OF OREGON

VERNON L. WILLIAMS LINDA L. WILLIAMS Plaintiffs-Appellants, Petitioners on Review,	)	Klamath County Circuit Court No. 9401991CV
v.	)	
KLAMATH COUNTY, all known And unknown agents of Klamath County,and EARL KESSLER, County Engineer, all known and unknown persons, Defendants-Respondents Respondents on Review.	)	SC S44576 CA A90549 ORDER DENYING REQUEST FOR WRIT OF REVIEW

Upon consideration by the court.

Petitioners on review have filed a request for a writ of Review. The request is denied.

DATED this 4th day of August, 1998.

S/ wallace P carson, jr.
Chief Justice

c. Vernon L. Williams
Linda L. Williams
Michael P. Rudd

APPENDIX B

IN THE SUPREME COURT OF THE STATE OF OREGON

VERNON L. WILLIAMS LINDA L. WILLIAMS, Plaintiffs-Appellants, Petitioners on Review, v. KLAMATH COUNTY, All known and unknown Agents of Klamath county, And EARL KESSLER, County Engineer, all known And unknown persons, Defendants-Respondents Respondents on Review.	)	KLAMATH COUNTY CIRCUIT COURT No. 9401991CV CA A90549 SC S44576 ORDER DENYING REVIEW

The Court has considered the petition for review and ORDERS that it be denied.

Dated this 7th day of April 1998.

S/ Wallace P. Carson Jr.
CHIEF JUSTICE

c: Vernon L. Williams
Linda L. Williams
Michael P. Rudd

APPENDIX C

IN THE COURT OF APPEALS OF THE STATE OF OREGON

VERNON L. WILLIAMS, LINDA L. WILLIAMS, Appellants,	)	
v.	)	Klamath County Circuit
KLAMATH COUNTY, all Known and unknown agents Of Klamath County, EARL KESSLER, County Engineer, all known and Unknown persons, Respondents.	)	Court No. 9401991CV
	)	CA A90549

Date argued or submitted on briefs: July 15, 1997

Before: De Muniz , Presiding Judge, and Deits, Chief Judge, and Haselton, Judge

Attorney for Appellants: Vernon L. Williams, pro se

Attorney for Respondents: Michael P. Rudd

Affirmed without opinion

Designation of Prevailing party and award of costs

Prevailing party: Respondents
( ) No costs allowed.
(x) Costs allowed, payable by Appellants

APPENDIX D

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

VERNON L. WILLIAMS, LINDA L. WILLIAMS, Plaintiffs, v. KLAMATH COUNTY, ALL KNOWN AND UNKNOWN AGENTS OF KLAMATH COUNTY, EARL KESSLER, COUNTY ENGINEER, ALL KNOWN AND UNKNOWN PERSONS, Defendants.	)	Case No. 9401991CV JUDGEMENT OF DISMISSAL

THIS MATTER having come before the court on Defendants ORCP 21 Motion on July 31, 1995. Plantiffs appearing pro se and Defendants appearing by and through its attorney Michael P Rudd of Brandsness, Bradsness & Rudd, P.C. and the court being fully advised in the premises it is hereby;

ADJUDGED that Defendants Motion to Dismiss for failure to state a claim is hereby granted. It is further;

ADJUDGE this Judgement of Dismissal is with prejudice.

DATED this 21st day of November, 1995

S/Rodger J. Isaacson Defendants
Circuit court judge

Submitted by:
Michael P. Rudd
OSB # 93418
Of Attorneys for Defendants
411 Pine Street
Klamath falls, OR 97601
(503) 8826616

APPENDIX E

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

COUNTY OF KLAMATH, STATE OF OREGON, a public corporation, Plaintiff,	)	NO. 416
Vs,	)	Case No. 88-1-FR
ALCOSER RICHARD & DOTTIE, ETAL Defendant,	)	DEED TO COUNTY

This deed, made this 22nd day of April 1991, between F. JEAN ELZNER, TAX COLLECTOR, Klamath County, State of Oregon, "Grantor", and KLAMATH COUNTY, a political subdivision of the State of Oregon, "Grantee",

WITNESSETH

WHEREAS, pursuant to a Judgement Decree and order of the Circuit Court of the State of Oregon, in and for the County of Klamath, duly made and entered on the 21st day of December 1988, in a suit wherein the said Klamath County, Oregon, was Plaintiff and Alcoser, Richard and Dottie, etal were Defendants, the hereinafter described real properties were by said Judgement Decree and Order, sold subject to redemption to Klamath County, Oregon; and

WHEREAS, the said real properties have been held by said Klamath County, Oregon, for a period of two (2) years from and after the date of said Judgement and Decree of Foreclosure, and no redemption has been made, and notice of expiration of redemption period has been given in the duly designated newspaper of general circulation and published in Klamath County, Oregon, to wit, the HEARLD & NEWS, in two (2) weekly issues of said newspaper, not more than 30 days and not less than

10 days prior to the date of expiration of the redemption period, proof of which notice is attached hereto as Exhibit "A", and by this reference made a part hereof; and

WHEREAS, in pursuance of the laws of the State of Oregon and for and in consideration of the Judgement Decree and Order and sale as aforesaid, I have this day executed this deed to replace the deed dated January 4, 1991, recorded January 4,1991, in volume M-91 Page 143 as previous deed conveying this property is void. This deed conveys to Klamath County, a political subdivision of the State of Oregon, the following described real properties, to wit;

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

COUNTY OF KLAMATH, STATE OF OREGON, a public corporation, Plaintiff,	)	
vs,	)	NO. 416
ALCOSER RICHARD & DOTTIE, ETAL, Defendant.	)	Case No. 88-1-FR DEED TO COUNTY

This deed, made this 4th day of January 1991, between F. JEAN ELZNER, TAX COLLECTOR, Klamath County, State of Oregon, "Grantor", and KLAMATH COUNTY, a political subdivision of the State of Oregon, "Grantee",

WITNESSETH

WHEREAS, pursuant to a Judgement Decree and Order of the Circuit Court of the State of Oregon, in and for the County of Klamath, duly made and entered on the 21st day of December 1988, in a suit wherein the said Klamath County, Oregon, was Plaintiff and Alcoser, Richard and Dottie, etal were Defendants, the hereinafter-described real properties were by said Judgement Decree and Order, sold subject to redemption to Klamath County, Oregon; and

WHEREAS, the said real properties have been held by said Klamath County, Oregon, for a period of two (2) years from and after the date of said Judgement and Decree of Foreclosure, and no redemption has been made, and notice of expiration of redemption period has been given in the duly designated newspaper of general circulation and published in Klamath County, Oregon, to wit, the HERALD & NEWS, in two (2) weekly issues of said newspaper, not more than 30 days and not less than ten days prior to the date of expiration of the redemption period, proof of which notice is attached hereto as Exhibit "A", and by this reference made a part hereof; and

WHEREAS, in pursuance of the laws of the State of Oregon and for and in consideration of the Judgement Decree and Order and sale as aforesaid, I have this day executed this deed conveying to Klamath County, a political subdivision of the State of Oregon, the following described real properties, to wit:

See Exhibit "B" attached hereto;

Said described parcels of real property were formerly owned by the said defendants indicated, bearing the tax-foreclosure list number as indicated and for the amount of judgement as indicated, all respectively, for each parcel sold by said foreclosure to the said Klamath County, Oregon, and not redeemed as provided by law;

NOW, THEREFORE, I, F. JEAN ELZNER, Grantor as aforesaid, in consideration of the premises and by virtue of the statutes of the State of Oregon, in such cases made and provided, by hereby grant, bargin, sell, and convey unto Klamath County, Oregon, as grantee aforesaid, and its assigns forever, the parcels of real property hereinbefore described as fully and completely as Grantor can by virtue of the premises convey the same.

Given under my hand officially this 4th day of January, 1991.

S/ F. JEAN ELZNER,
TAX COLLECTOR
KLAMATH COUNTY, OREGON

STATE OF OREGON)
COUNTY OF KLAMATH) ss.

On this, the 4th day of January,1991, beforeme, as County Clerk in and for Klamath County, State of Oregon, personally came the within named F. Jean Elzner, Tax Collector of said County and State, known to me to be the individual described in, and who, as such Tax Collector executed the above deed, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

S/EVELYN BIEHN
COUNTY CLERK

Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

I, Deanna Azevedo, Office Manager
being first duly sworn, depose and say that I am the principal clerk of the publisher of The Herald and News, a newspaper of general Circulation, as defined by Chapture 193 ORS, Printed and published at Klamath Falls in the Aforesaid county and state; that the
LEGAL #42202
PUBLIC NOTICE/ SUIT #416
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for TWO (2 insertions)in the following issues
NOVEMBER 29, 1990
DECEMBER 14, 1990
Total cost: $31.50

403. UNKNOWN OWNER *1984-85 5.80 4.47 10.27
% *1985-86 6.37 4.14 10.51
R795205 R-3909-03300-00900-000 1 *1986-87 9.25 3.79
13.04
PER STATE REMAPPING 1987-88 9.25 3.79 13.04
1988-89 10.17 2.94 13.11
1989-90 10.75 1.58 12.33
TOTALS 50.60 21.31 71.91

404. UNKNOWN OWNER *1984-85 7.32 5.64 12.96
% *1985-86 8.00 5.21 13.21
R798293 R-3910-006CC-01400-000 0 *1986-87 8.43
4.47 13.21
PER STATE REMAPPING 1987-88 9.50 3.89 13.39
1988-89 10.42 3.02 13.44
1989-90 11.01 1.62 12.63
TOTALS 54.68 23.85 78.53

405. UNKNOWN OWNER *1984-85 7.32 5.64 12.96
% *1985-86 8.00 5.21 13.90
R798346 R-3910-007BB-00200-000 0 *1986-87 8.43
4.47 12.90
PER STATE REMAPPING 1987-88 9.50 3.89 13.39
1988-89 10.42 3.02 13.44
1989-90 11.01 1.62 12.63
TOTALS 50.68 23.85 78.53

406. UNKNOWN OWNER *1984-85 7.32 5.64 12.96
% *1985-86 8.00 5.21 13.21
R798337 R-3910-007BC-01100-000 0 *1986-87 8.43
4.47 12.90
PER STATE REMAPPING 1987-88 9.50 3.89 13.39
1988-89 10.42 3.02 13.44
1989-90 11.01 1.62 12.63
TOTALS 54.68 23.85 78.53

407. UNKNOWN OWNER *1984-85 7.32 5.64 12.96
% *1985-86 8.00 5.21 13.21
R798328 R-3910-007BD-00100-000 0 *1986-87 8.43
4.47 12.90
PER STATE REMAPPING 1987-88 9.50 3.89 13.39
1988-89 10.42 3.02 14.44
1989-90 11.01 1.62 12.63
TOTALS 54.68 23.85 78.53

Continue on next page

*408. UNKNOWN OWNER	*1984-85	7.32	5.64	12.96
%	*1985-86	8.00	5.21	13.21
R798364 R-3910-007C0-00200-000 0	*1986-87		5.43	
			4.47	12.90
ENTERPRISE IRRIG CANAL	1987-88	9.50	3.89	13.39
PER STATE REMAPPING	1988-89	10.42	3.02	13.44
	1989-90	11.01	1.62	12.63
	TOTALS	54.68	23.85	78.53
409. UNKNOWN OWNER	*1984-85	7.32	5.64	12.96
%	*1985-86	8.00	5.21	13.21
R798355 R-3910-007CB-01500-000 0	*1986-87		8.43	
			4.47	12.90
PER STATE REMAPPING	1987-88	9.50	3.89	13.39
	1988-89	10.42	3.02	13.44
	1989-90	11.01	1.62	12.63
	TOTALS	54.68	23.85	78.53

* Property of Vernon Williams & Linda Williams
* Property in question is # 408.